

U.S. Appln. No. 10/057,011
Reply to Office Action dated May 17, 2005

PATENT
450100-4630.1

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Applicants note that the outstanding Office Action mailed on May 17, 2005 ("Office Action") indicates that the Office Action is final. Applicants respectfully submit that this is in error because Applicants' previous response did not amend any claims; but merely submitted priority documents, thereby obviating the rejection. Applicants submit that the Office Action should be non-final and the finality should be withdrawn.

New claims 25-28 are currently pending in this application. Claims 1-24 have been canceled without prejudice or disclaimer of subject matter. Claims 25, 27 and 28 are independent. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(b)¹ and §103(a)

The Office Action used U.S. Patent No. 5,930,226 to Togawa (hereinafter, merely "Togawa") as a basis of rejection of the previous claims.

New independent claim 25 recites, *inter alia*:

U.S. Appln. No. 10/057,011
Reply to Office Action dated May 17, 2005

PATENT
450100-4630.1

“a recording unit operable to record said information in recording units of respective lengths on the recording medium and management information to at least two locations of a logical volume; and

a controller operable to generate said management information including identification information indicating one of a plurality of respective types of information, the type of information including at least AV data and non-AV data, the type of information being determinative of the length of recording units used to record the information.” (emphasis added)

As understood by Applicants, Togawa relates to a recording apparatus that generates a plurality of pieces of data to be recorded on a storage medium, and to be reproduced in a plurality of modes of reproduction. Identification information is generated that indicates a reproduction mode; and writes the pieces of data and the identification information in the storage medium so that the pieces of data are written in a sequential order in which to be reproduced. The sequential order is independent of the plurality of reproduction modes. Each piece of data is accompanied by the identification information for that piece of data. A reproducing apparatus reads the pieces of data and the identification information, in the sequential order; detects the identification information which accompanies the respective pieces of data; and reproduces the pieces of data in the corresponding ones of the plurality of reproduction modes based on the accompanying identification information.

Applicants respectfully submit that Togawa fails to disclose or suggest the above-identified features of claim 25.

Specifically, nothing has been found in Togawa that would teach or suggest identification information indicating one of a plurality of respective types of information, the type of information including at least AV data and non-AV data, the type of information being

¹ While the Office Action indicates that Togawa is a 102(b) reference, Applicants respectfully submit that Togawa was not published more than one-year prior to Applicants' effective filing date. Therefore, Togawa is not a 102(b) reference.

U.S. Appln. No. 10/057,011
Reply to Office Action dated May 17, 2005

PATENT
450100-4630.1

determinative of the length of recording units used to record the information, as recited in claim 25.

For the above-stated reasons, Applicants respectfully submit that independent claim 25 is patentable.

Independent claims 27 and 28 are similar in scope to claim 25 and are believed patentable for similar reasons.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

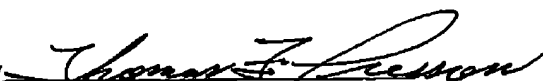
U.S. Appln. No. 10/057,011
Reply to Office Action dated May 17, 2005

PATENT
450100-4630.1

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800